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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,710	03/17/2004	David M. Ziemann	14846-37	4813
28221 7590 03/23/2007 PATENT DOCKET ADMINISTRATOR LOWENSTEIN SANDLER PC 65 LIVINGSTON AVENUE ROSELAND, NJ 07068			EXAMINER OMOSEWO, OLUBUSOLA	
			ART UNIT	PAPER NUMBER
			2168	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/23/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/802,710	<b>Applicant(s)</b> ZIEMANN ET AL.	
	<b>Examiner</b> OLUBUSOLA ONI	<b>Art Unit</b> 2168	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/05/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

**Detailed Action**

**Response to Amendment**

1. This action is responsive to communication: Amendment, filed on: 12/27/2006.
2. Claims 1, 2, 7, 8, 10, 11, 12, 19, 20, 21 and 22 have been amended.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-6 are rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 is rejected under 35 U.S.C 101 because the claimed subject matter does not produce a tangible result, the claimed subject matter fails to produce a result that is limited to having a real world value rather than a result that may be interpreted to be abstract in nature. However, this claim remains in the abstract and thus, fails to achieve the required status of having a real worlds value.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Dijkstra Wilco (Patent No. U.S. 6411, 957).

For claim 1, Dijkstra teaches “constraining a first node of a query tree stored in a computer-readable memory to a first value” (Col. 10, lines 47-56, Col. 12, lines 4-11, fig. 3) “making accessible a first set of nodes of the query tree that are connected to the first node constrained to the first value”(Col. 13, lines 51-61) “constraining a second node in the first set of nodes to a second value”(Col. 2, lines 1-48, Col. 5, lines 43-61) “identifying a plurality of trees in the collection of tree data structures that contains (1) a first matching node equal in position to the first node and equal to the first value, and (2) a second matching node equal in position to the second node and equal to the second value” (Col. 1, lines 34-53) “and accessing data in a select node of the identified trees”

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(Col. 5, lines 43-67)

For claim 2, Dijkstra teaches “wherein the select node is the first matching node, the second matching node, or a node connected to the first or second matching nodes of the identified trees” (Col. 4, lines 22-34)

For claim 3, Dijkstra teaches “making accessible a second set of nodes of the query tree that are connected to the second node constrained to the second value” (Col. 2, lines 1-49)

For claim 4, Dijkstra teaches “wherein the select node is equal in position to the first node of the query tree, the second node of the query tree, or a node in the accessible first or second sets of nodes of the query tree”(Col. 1, lines 34-53)

For claim 5, Dijkstra teaches “wherein the first value and the second value are selected from the group consisting of a data value, an unbound special value, and an undefined special value”(Col. 5, lines 43-61)

For claim 6, Dijkstra teaches “wherein a structure of the query tree is determined by available tree structures in the collection of tree data structures”(Col. 1, lines 11-33, Col. 2, lines 1-48)

For claims 7, 16, 19 and 21 these claims are rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected.

For claims 8, 11, 13, 20 and 22 these claims are rejected on grounds corresponding to the arguments given above for rejected claim 2 and is similarly rejected.

For claim 9, Dijkstra teaches "receiving a second value from the one or more input devices to which a second node in the first set of nodes is constrained; and displaying with the display device a second set of nodes of the query tree that are connected to the second node constrained to the second value" (Col. 5, lines 43-53)

For claim 10, Dijkstra teaches "wherein the plurality of identified trees that contains (1) a first matching node equal in position to the first node and equal to the first value, and (2) a second matching node equal in position to the second node and equal to the second value" (Col. 1, lines 34-53)

For claim 12, Dijkstra teaches "wherein the plurality of identified trees in the collection of tree data structures that contain (1) a first matching node equal in position to the first node and equal to the first value, and (2) a second matching node equal in position to the second node and equal to the second value" (Col. 1, lines 34-53) "and wherein

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displaying the data in the select node displays data in a plurality of select nodes of each of the identified plurality of trees”(Col. 5, lines 43-67)

For claims 14 and 23 these claims are rejected on grounds corresponding to the arguments given above for rejected claim 4 and are similarly rejected.

For claim 15, Dijkstra teaches “wherein displaying the data in the plurality of select nodes displays, with the display device, the data of the plurality of select nodes in a tabular format”(Col. 5, lines 43-61)

For claims 17 and 24 these claims are rejected on grounds corresponding to the arguments given above for rejected claim 5 and are similarly rejected.

For claims 18 and 25 these claims are rejected on grounds corresponding to the arguments given above for rejected claim 6 and are similarly rejected.

### **Response To Amendment**

7. Applicant’s argument filed December 27, 2007 has been fully considered but they are not persuasive. The examiner respectfully traverses applicant’s arguments.

As per claims 1, 7, 10, 12, 19 and 21, applicant argued that Dijkstra’s teachings only involves a single tree, while applicant’s teachings involves a plurality of trees. However,

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Dijkstra's teachings of a single tree could also involve multiple trees/binary trees without changing the scope of the invention. At paragraph 1, lines 34-53, Dijkstra teaches binary trees can be used to store keys, however, searching for the keys will be done on multiple trees, which indicate multiple/plurality of trees can be involved. However, applicant's teachings of plurality of trees are synonymous to Dijkstra's teachings, which includes binary trees. Therefore the 35 USC 102(b) rejection is maintained.

### **CONCLUSION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUBUSOLA ONI whose telephone number is 571-272-2738. The examiner can normally be reached on 10.00-6.30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TIM VO can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**TIM VO**  
**SUPERVISORY PATENT EXAMINER**  
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OLUBUSOLA ONI  
Examiner  
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KBP